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Global Justice Academy Blog

Global Justice Academy, University of Edinburgh

Mental Health and Justice: the Execution of Scott Panetti

Posted on **December 2, 2014** by **Harriet Cornell**



This post by Dr Harriet Cornell, Development Officer for the Global Justice Academy, examines the relationship between mental illness and justice in light of the planned execution of Scott Panetti in Texas on Wednesday, 3 December 2014.

A **Public Policy Polling national survey** was published yesterday, 1 December 2014, showing that Americans oppose the death penalty for mentally ill defendants by a 2-1 margin. The **Death Penalty Information Center reported** that 'opposition to the execution of people with mental illness was strong across lines of race, gender, geographic region, political affiliation, and education. Democrats (62%), Republicans (59%) and Independents (51%) all opposed the practice'. Tomorrow, 3 December 2014, the state of Texas plans to execute Scott Louis Panetti for the 1992 murders of his parents-in-law, Joe and Amanda Alvarado. With a long, documented history of severe mental illness, Scott Panetti's case has garnered international news coverage and a notable spectrum of support for clemency.

In the UK, the relationship between justice and mental illness is uneasy. I write, not as an academic expert, but as a news observer. Last week, the Assistant Chief Constable of Devon and Cornwall Police, Paul Netherton, took to Twitter in outrage

that his force had to **hold a sixteen year-old girl in police custody because there were no mental health beds available in the UK**. Hashtag 'unacceptable'. The IPCC reports that 'approximately half of all deaths in or following police custody involve detainees with some form of mental health problem'. When Cerys Marie Yemm was killed in Argoed, South Wales, earlier this month, the mother of Matthew Williams told *The Guardian* that **her son should have been in hospital** receiving treatment for his paranoid schizophrenia.



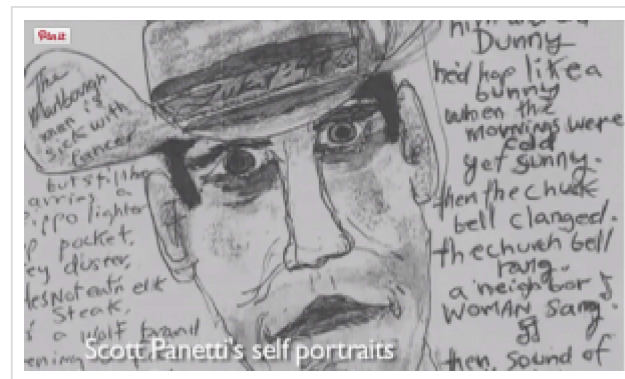
Scott Panetti was honourably discharged from the US Navy at the age of eighteen, and presented with signs of early schizophrenia eighteen months later. By the time he was 34, he would have been hospitalised more than 14 times. The Texas Defender Service has published a **timeline of Panetti's history of mental illness**, detailing hospitalisations and diagnoses prior to 1992. These are detailed further in **the clemency petition** filed by Panetti's lawyers earlier this month: 'In the decade preceding the crime, Mr. Panetti was involuntarily committed for psychiatric problems over a dozen times in hospitals in Texas and Wisconsin'.

At his capital murder trial in 1995, **Panetti wore a cowboy outfit; attempted to subpoena Jesus Christ, the Pope, and John F. Kennedy; and referred to himself in the third person as 'Sarge'**. He flipped a coin to make decisions at jury selection, badgered witnesses, and subjected the court to incoherent ramblings and disjointed thoughts. **Panetti's clemency petition details the observations of Dr. Wolfgang Selck** (a doctor who treated him in 1986), who watched a day-and-a-half of the trial before testifying. Panetti never discussed the case or the questions he wanted to ask Selck before calling him to the stand.

The Jury seemed to see Scott as putting on a show. Scott was unable to see the totally negative impact of his mental illness on the Jury. I saw Scott's ramblings and antics as a sign of his clear incompetence. I suspect that members of the Jury as lay persons saw Scott and thought he was normal and pretending to be mentally ill. . . . When I observed Scott in 1995, it was obvious that his mental illness was preventing him from representing himself and adversely affecting the Jury deciding his case.

Details such as these from Panetti's trial make for compelling, tragic reading.

Your Honor, I'm having a little bit of – I'm confused and I'm having a little bit of trouble, and I want to get this trial over with...



Over recent weeks, calls to halt Scott Panetti's execution have gained momentum. His ex-wife, Sonja Alvarado, who survived the attack in 1992, does not want the execution to go ahead and added her sworn affidavit to the clemency petition. The European Union, American Bar Association, National Alliance on Mental Health, church leaders, and former government and judiciary officials have added their voices in petition to Rick Perry.

And now, the most recent support for commutation has come from conservatives, including Texas Congressman Ron Paul:

Each of us has been active at the national level of the conservative movement for many years, and no one could accuse us of being soft on crime. Among conservatives there is much debate about the effectiveness and the morality of the death penalty. Some crimes are so terrible, and committed with such clear malice, that some believe that execution seems the only appropriate and proportional response. But Scott Panetti's is no such case.

The authority to take a man's life is the most draconian penalty that we allow our government to exercise. As conservatives, we must be on guard that such an extraordinary government sanction not be used against a person who is mentally incapable of rational thought. It would be immoral for the government to take this man's life. Should the Board recommend it, we respectfully urge you to reduce Mr. Panetti's death sentence to life in prison.

And yet, yesterday the Texas Board of Pardons and Parole rejected Scott Panetti's clemency plea, in a unanimous 7-0 vote. Texas law prevents Perry from granting clemency without their support, meaning that Panetti's last hope, on the eve of his scheduled execution, lies with the US Supreme Court.

In a six-page dissent on the case last week, Republican Judge Tom Price, a long-time bencher of the Texas Court of Criminal Appeals, **came out in opposition to the**

death penalty. The very phrase suggests how much this bucks the established trend in this red state. In his dissent, Price concluded that:

Unless and until a federal court or the Supreme Court grants his application, [Panetti], who few dispute is severely mentally ill, will be executed.



In the US, the correlation between incarceration and mental illness is well-documented. Whilst on death row in Texas' Polunsky Unit, **Andre Thomas gouged out his own eyes.** Like Panetti, Thomas is a paranoid schizophrenic. Inmates on Polunsky's death row are housed exclusively in solitary confinement: Panetti's legal team argue that his mental health has deteriorated further in the last seven years as a result of his environment and lack of medical intervention. He has been incarcerated for a total of 19 years on the row.

In March 2014, the incumbent Colorado prisons chief, **Rick Raemisch, spent 20 hours in solitary in the state penitentiary.** The full **op-ed appeared in the New York Times,** with Raemisch concluding:

If it would have been maybe even two days or a week, I would think, 'Yeah, that would probably get someone's attention.' I might walk out stark raving mad, but it would get somebody's attention.

The case of Scott Panetti has grabbed worldwide attention. All eyes will be on SCOTUS tomorrow, whilst Panetti waits on Death Watch in Huntsville for Texas to kill him after 6pm local time. The thing is, he believes that the state is trying to kill him for **preaching the gospel and exposing corruption within the Department of Criminal Justice.**

This entry was posted in **death penalty**, **Human rights**, **incarceration**, **Inequalities**, **Law and Legal**, **Punishment**, **USA** by **Harriet Cornell**. Bookmark the **permalink** [<http://www.globaljusticeblog.ed.ac.uk/2014/12/02/panetti/>] .



About Harriet Cornell

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ONE THOUGHT ON "MENTAL HEALTH AND JUSTICE: THE EXECUTION OF SCOTT PANETTI"



Harriet Cornell

on **December 3, 2014 at 6:28 pm** said:

This morning, 3 December 2014, the Fifth Circuit Court of Appeals issued a stay of execution 'pending further order of the court to allow us to fully consider the late arriving and complex legal questions at issue in this matter'. Read the breaking story here:

<http://www.chron.com/news/houston-texas/houston/article/Appeals-court-issues-stay-in-execution-of-5932373.php>

And the ruling here:

<https://www.documentcloud.org/documents/1374231-panetti-stay.html>